**FARAD CONTINUATION SHEET NO.**

IN THE HIGH COURT OF JUDICATURE AT BOMBAY

CIVIL APPELLATE JURISDICTION

WRIT PETITION NO.5482 OF 2005

| Office notes, office Memoranda of appearances, Court's orders or directions & Registrar's orders. | Court's or Judge's Orders |
|---|---|

Mr. S.S. Sakhare for the petitioner.

Mr. Sural Shah for respondent 1 to 4.

**CORAM: SMT. RANJANA DESAI, J.**

**DATED: 26TH SEPTEMBER, 2005.**

**P.C.**:-

In this writ petition, order dated 6/8/2005 passed by the District Judge, Solapur, in Civil Misc. Application No.195 of 2005 in Special Civil Suit No.877 of 1997 is under challenge. By the impugned order, the application filed by the petitioner for restoration of his transfer application is rejected. In the transfer application, the petitioner had prayed that the Special Civil Suit No.877 of 1997 pending before the

IIIrd Ad-hoc District Judge, Solapur, be transferred to other court for further trial.

In my opinion, the District Judge, has rightly rejected the application. The suit is of the year 1997. I am informed that 13 witnesses have already been examined and the High Court has made the suit time bound. In such circumstances, the belated transfer application filed by the petitioner indicates that he wants to procrastinate the litigation. Moreover, he has not even prosecuted the transfer application diligently. The learned judge has observed that on the last date, the application was adjourned at the request of the petitioner in person. His advocate was not present. On 6/8/2005, in the morning session at 11.30 a.m. the matter was called out. The petitioner was present but his advocate was absent. The petitioner requested that he will bring his advocate to argue the matter. Therefore, at his request, the matter was fixed for

hearing at 3.00 p.m. At 3.00 p.m., the petitioner and his advocate were absent. It is, in these circumstances, that the application was rejected. Considering the fact that the High Court has made the suit time bound, the District Judge, cannot be faulted for rejecting the application. There is no substance in the petition. The petition is rejected.

(SMT. RANJANA DESAI, J.)